

SUPERFUND “HOT” SITES

1. West Lake Landfill, Missouri (Blunt)

Status:

- Legislation to transfer responsibility for the assessment and remediation of the West Lake Landfill passed the Senate on February 2, 2016, and the House companion is currently being considered.
- Region 7 held the first community dialogue meeting on March 2, 2016, about the site and community concerns. Key state and local public officials, Congressional delegation staff, attended. Additional meetings are planned prior to release of the final proposed remedy.

Background:

- In December 2015, to address potential surface fires at the site, EPA ordered the responsible parties (PRPs) to perform targeted clearing of trees and brush and to place non-combustible material over areas where radiologically impacted material (RIM) is currently known to be at or near the surface. EPA then began work to implement an action for the installation of a physical isolation barrier between the West Lake Superfund Site (OU-1) and the Bridgeton Sanitary Landfill (OU-2).
- EPA is planning to propose any change to the final cleanup remedy in the Record of Decision (ROD) for public comment by the end of 2016. In 2017, following the public comment period, EPA will decide on the selected cleanup remedy. EPA intends to negotiate an enforceable agreement with the PRPs to carry out cleanup actions.
- Depending on the final cleanup remedy selected, the estimated cost of remedial cleanup actions may range from \$43 million for the initial 2008 selected remedy of encapsulating the RIM on-site, to \$250 million up to \$401 million for the complete removal and off-site disposal of RIM. Revisions to the initial remedy selected in 2008 could change these cost estimates. Remedial cleanup costs, and EPA’s costs for overseeing the work, would be borne by PRPs.

Question: There is considerable frustration in the community regarding EPA’s oversight of the cleanup at West Lake. Do you support legislation to transfer cleanup oversight to the Corps of Engineers?

Answer: The Corps and the EPA share the opinion that the addition of the site to the Corps FUSRAP program would not accelerate remediation at the West Lake Landfill site.

2. Passaic River, New Jersey (Booker)

Status:

- EPA has been considering the extensive comments it received on the proposed cleanup plan and is in the process of drafting the Record of Decision for issuance in March 2016.
- EPA will announce its final cleanup plan at a media event in Newark on Friday, March 4 accompanied by federal, state, and local officials and members of the community.

Background:

- In April, 2014, EPA proposed a cleanup plan for the Lower Eight Miles of the Lower Passaic River. EPA received and reviewed more 1,000 public comments. After carefully considering these comments, EPA finalized its decision on a cleanup plan.
- The entire lower eight miles will be capped bank-to-bank. Before the cap is placed, 3.5 million cubic yards of sediment will be removed, bank-to-bank, by dredging the river bottom. Sediment will be dewatered locally and transported off-site for disposal.
- EPA will immediately begin discussions with those responsible for the contamination to seek their performance of or payment for the cleanup work.

3. Portland Harbor, Oregon (Merkley, Schrader)

Status:

- EPA is working with the state, tribes, local communities and a broad cross-section of stakeholders on plans to clean up contaminated areas of the Portland Harbor site.
- EPA and the LWG agreed in February that the LWG can dispute the final feasibility study that EPA produces and will not be required to reimburse EPA's costs for finalizing the feasibility study at this time.
- Congressman Kurt Schrader spoke with Mathy Stanislaus in January to express concerns about the dispute resolution process, and followed up again in February to thank him for facilitating resolution so that the Lower Willamette Group can participate in the process.

Background:

- The Baseline Ecological Risk Assessment (BERA) was finalized December 2013. The results of the ecological risk assessment, along with the feasibility study, remedial investigation, and human health risk assessment, is being used to develop a proposed cleanup plan for Portland Harbor.
- EPA is expected to release its proposed cleanup plan in April, 2016. During the public comment period (April-May), EPA will offer a series of public meetings. During these meetings, EPA will discuss this proposed plan, answer questions and accept formal

comments. EPA will then respond to all formal public comments after the comment period ends and consider them in making a final cleanup decision.

- Potentially Responsible parties are expected to perform the cleanup work.

4. 35th Avenue, Birmingham, Alabama (Sessions)

Status:

- There has been ongoing congressional interest in this site and concerns with the listing process and the State does not concur with the proposed listing.
- Senator Jeff Sessions (SEPW Committee), Senator Richard Shelby and Congressman Gary Palmer sent a letter on February 26, 2016, to EPA expressing concerns about purported over-reach regarding the agency's premise that air deposition of pollutants could form the basis for potential liability under CERCLA.
- EPA is evaluating the environmental condition of the area related to current and historical industrial activities that have affected the environment in north Birmingham communities. EPA received a petition to expand the site into the adjacent City of Tarrant, and as a result we are in the process of conducting a preliminary assessment.

Background:

- The site consist of four minority communities, historically disadvantaged and underserved, sandwiched between industrial facilities that have operated for over 100 years.
- EPA began its assessment by seeking access to residential properties in October 2012, and started removal actions in February 2014 to remove contaminated soil found at 52 properties.
- Approximately 400 properties were proposed for listing on the NPL in 2014. The state does not support final listing on the NPL.

Question: Why did EPA propose the listing when the State of AL does not concur?

Answer: We are aware that the State of AL objects to the proposed listing due to concerns with the scientific basis of the Hazard Ranking for the site. EPA has formally responded to the State's concerns and continues to maintain an open dialogue with the state before reaching a decision on final listing.